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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/716,564	11/20/2003	Steve Anspach	ANSPACH	7050

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MANELLI DENISON & SELTER PLLC
2000 M Street, N.W., 7 th Floor
Washington, DC 20036-3307

EXAMINER

LEMMA, SAMSON B

ART UNIT	PAPER NUMBER
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2432

MAIL DATE	DELIVERY MODE
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10/14/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/716,564	Applicant(s) ANSPACH, STEVE	
	Examiner Samson B. Lemma	Art Unit 2432	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 June 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-8 and 10-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3-8 and 10-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This office action is in reply to an amendment filed on June 04, 2009.

There are two independent claims, namely claims 1 and 8 and both independent claims are amended. Claims 2 and 9 were canceled previously, thus claims 1, 3-8 and 10-14 are pending.

Priority

2. This application claims priority of a provisional application, application No. 60/502,660 filed on September 15, 2003. Therefore, the effective filing date for the subject matter defined in the pending claims of this application is **09/15/2003**.

Response to Arguments

3. Applicant's argument/s filed on June 04, 2009 has been fully considered but is moot in view of new ground(s) of rejection.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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5. **Claims 1, 3, 8 and 10** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Nortel Network, an article written with title “Securing Voice across the Internet”** (Hereinafter referred as **Nortel**) (2002, see reference U) in view of article written with the title, “L-3 Communications’ OMNI Secure Terminal Receives National Security Agency- NSA-Certification) (Hereinafter referred as “L-3”) (June 12-2002) (Submitted with IDS) (An extension of L-3' reference has been attached. These reference/s are part of IDS (L-3) but only part of the whole reference is submitted by the applicant. Thus these are some of the rest references that are part of the L3 references submitted by the applicant. See Reference U)
6. **As per independent claims 1 and 8 Nortel discloses a method of encrypting and transmitting voice and data together in a secure communication system** [Figure 5, see “Streamed VoIP data encrypted at sender using encryption data”], said method comprising:
- **Receiving analog communications from a first analog communication device;** [See figure 1, “i2004”/See Telephone Handset/analog device)]
 - **Receiving data communications from a computing device;** [see figure 1, “Teleworker PC”/or “i2050PC”]
 - **Combining said analog communication and said data communications to form a single combined data stream** (See figure 1 and 2 and page 2, column 2)

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- **Encrypting said single combined data stream through encryption unit into an encrypted data stream;** [Page 2, column 3, 1st paragraph, see also figure 2, "Encrypted Voice/data"] **and**

- **Encapsulating said encrypted data stream in IP packets for transmission;**[Page 2, column 3, 1st paragraph, such analog communication device is included in VOIP communication. Once the VOIP is received, it is well known for one of ordinary skill the art that there are several devices that would allow converting VOIP to analog signal so that voice which is coming/received could be heard. For instance **USB phones** does one and the same thing. They are essentially an integrated speaker, microphone and keypad which interfaces with your computer via a vacant USB port. USB VOIP phones typically resemble their conventional telephone handset counterparts and function in much the same way.

Furthermore **Broadband Analog Telephone Adapters ATA** also is used to convert VOIP received at Your PC so that you can use your conventional Telephone Handset/ analog device to conduct VOIP remotely. As the name implies, Analog Telephone Adapters are devices which convert the analog signals generated by your conventional telephone into digital 'data packet' signals that can be carried via the Internet. Conversely, they also translate the digital signals received by your Internet Connection or VOIP indicated in the primary reference into Analog signals that you hear through your conventional Telephone Handset. Furthermore the headphone which can be connected to the any personal computer could receive VOIP remotely and convert such signal to the analog signal so that remote video

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conferencing or regular conversation/voice could be heard by the person listening the conversation and such headphone is an analog device.)

and

- **wherein a payload of encapsulated data stream IP packet contains routing information for routing said encapsulated data stream** *(Examiner asserts that Applicant admits that IP packets contain routing information in their headers. It is clear for one of ordinary skill in the art that when packet is encapsulated, the entire packet is included within the payload of the encapsulated packet creating an inner and outer packet. New header information is added to the outer packet, but the inner packet still has its routing information in its header. However, because the entire inner packet is within the payload of the outer packet, its routing information is within the payload. See also RFC 2406 IP Encapsulating Security Payload November 1998)*

Nortel does not explicitly disclose said encrypting data using a Type 1 encryption unit or the encapsulated data is encrypted by type 1 encryption unit and routing said encapsulated Type 1 encrypted data stream to a second computing device and a second analog communication device.

However, in the same field of endeavor "L-3", discloses said encrypting data/videoconferencing /VOIP using a Type 1 encryption unit, wherein said Type 1 encryption unit comprises: and routing said encapsulated Type 1 encrypted data stream to a second computing device and a second analog communication device. [See for instance the attached

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document of the L-3, "Capabilities" under Secure WAN: LAN to LAN how L-3 provides versatile solutions that supports both voice and data requirement over new and existing network services and on it also indicated how Type 1 encryption is used. Furthermore it has been disclosed how L3/OMNI using the digital network interface (DNI), can be configured between two serial routers, each of which interfaces with a LAN and in that configuration see how L3/OMNI permits LAN-to-LAN encryption **without losing or exposing address information.**

Furthermore it has been disclosed that IP services such as voice/FAX/DATA and videoconferencing over IP is provided and this implicitly includes all the above limitation].

It would have been obvious to one having ordinary skill in the art, at the time the invention was made, to combine the features of using Type 1 and routing said encapsulated Type 1 encrypted data stream to a second computing device and a second analog communication device.

as per teachings of "L3" into the method as taught **by Nortel in order to provide secure communication for both analog and data communication devices. [See L3-Capabilities]**

7. **As per dependent claims 3 and 10 the combination of Nortel and L3 discloses a method as applied above. Furthermore L3 discloses the method wherein: said combining is performed by a voice-enabled router. [See L3, under "Capabilities", "Router"]**

8. **Claims 4-7 and 11-14** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Nortel Network, an article written with title “Securing Voice across the Internet”** (Hereinafter referred as **Nortel**) (2002, see reference U) in view of article written with the title, “L-3 Communications’ OMNI Secure Terminal Receives National Security Agency- NSA-Certification) (Hereinafter referred as “L-3”) (June 12-2002) (**Submitted with IDS**) further in view of article written with the title, “The complete PC solution for the KIV-7”) (Hereinafter referred as “complete pc solution”) (Copyright 2002) (Submitted with IDS)
9. **As per dependent claims 4-7 and 11-14 Nortel discloses a method of encrypting and transmitting voice and data together in a secure communication system** [Figure 5, see “Streamed VoIP data encrypted at sender using encryption data”], said method comprising:
- **Receiving analog communications from a first analog communication device;** [See figure 1, “i2004”/See Telephone Handset/analog device)]
 - **Receiving data communications from a computing device;** [see figure 1, “Teleworker PC”/or “i2050PC”]
 - **Combining said analog communication and said data communications to form a single combined data stream** (See figure 1 and 2 and page 2, column 2)

- **Encrypting said single combined data stream through encryption unit into an encrypted data stream;** [Page 2, column 3, 1st paragraph, see also figure 2, "Encrypted Voice/data"] **and**

- **Encapsulating said encrypted data stream in IP packets for transmission;**[Page 2, column 3, 1st paragraph, such analog communication device is included in VOIP communication. Once the VOIP is received, it is well known for one of ordinary skill the art that there are several devices that would allow converting VOIP to analog signal so that voice which is coming/received could be heard. For instance **USB phones** does one and the same thing. They are essentially an integrated speaker, microphone and keypad which interfaces with your computer via a vacant USB port. USB VOIP phones typically resemble their conventional telephone handset counterparts and function in much the same way.

Furthermore **Broadband Analog Telephone Adapters ATA** also is used to convert VOIP received at Your PC so that you can use your conventional Telephone Handset/ analog device to conduct VOIP remotely. As the name implies, Analog Telephone Adapters are devices which convert the analog signals generated by your conventional telephone into digital 'data packet' signals that can be carried via the Internet. Conversely, they also translate the digital signals received by your Internet Connection or VOIP indicated in the primary reference into Analog signals that you hear through your conventional Telephone Handset. Furthermore the headphone which can be connected to the any personal computer could receive VOIP remotely and convert such signal to the analog signal so that remote video

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conferencing or regular conversation/voice could be heard by the person listening the conversation and such headphone is an analog device.)

and

- **wherein a payload of encapsulated data stream IP packet contains routing information for routing said encapsulated data stream** *(Examiner asserts that Applicant admits that IP packets contain routing information in their headers. It is clear for one of ordinary skill in the art that when packet is encapsulated, the entire packet is included within the payload of the encapsulated packet creating an inner and outer packet. New header information is added to the outer packet, but the inner packet still has its routing information in its header. However, because the entire inner packet is within the payload of the outer packet, its routing information is within the payload. See also RFC 2406 IP Encapsulating Security Payload November 1998)*

Nortel does not explicitly disclose said encrypting data using a Type 1 encryption unit or the encapsulated data is encrypted by type 1 encryption unit and routing said encapsulated Type 1 encrypted data stream to a second computing device and a second analog communication device.

However, in the same field of endeavor "L-3", discloses said encrypting data/videoconferencing /VOIP using a Type 1 encryption unit, wherein said Type 1 encryption unit comprises: and routing said encapsulated Type 1 encrypted data stream to a second computing device and a second analog communication device. [See for instance the attached

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document of the L-3, "Capabilities" under Secure WAN: LAN to LAN how L-3 provides versatile solutions that supports both voice and data requirement over new and existing network services and on it also indicated how Type 1 encryption is used. Furthermore it has been disclosed how L3/OMNI using the digital network interface (DNI), can be configured between two serial routers, each of which interfaces with a LAN and in that configuration see how L3/OMNI permits LAN-to-LAN encryption **without losing or exposing address information.**

Furthermore it has been disclosed that IP services such as voice/FAX/DATA and videoconferencing over IP is provided and this implicitly includes all the above limitation].

Nortel does not explicitly disclose said encrypting data using a Type 1 encryption unit or the encapsulated data is encrypted by type 1 encryption unit and routing said encapsulated Type 1 encrypted data stream to a second computing device and a second analog communication device.

It would have been obvious to one having ordinary skill in the art, at the time the invention was made, to combine the features of using Type 1 and routing said encapsulated Type 1 encrypted data stream to a second computing device and a second analog communication device.

as per teachings of "L3" into the method as taught **by Nortel in order to provide secure communication for both analog and data communication devices. [See L3-Capabilities]**

The combination of Nortel and L3 does not explicitly disclose **said Type 1 encryption unit is a KIV-type encryption unit.**

However, in the same field of endeavor “complete pc solution”, discloses said encrypting data/videoconferencing /VOIP using a Type 1 encryption unit, wherein said Type 1 encryption unit comprises: a KIV type encryption unit. [See page 1]

It would have been obvious to one having ordinary skill in the art, at the time the invention was made, to combine the features of using Type 1/KIV-7 encryption unit as per teachings of “complete pc solution” into the method as taught **by the combination of Nortel and L3 in order to provide security for communications devices and provide features such as dial and answer call with a KIV-7 for PC to PC based videoconferencing.** [See “complete pc solution” **page 2 last Paragraph**]

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first

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reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Samson B Lemma whose telephone number is 571-272-3806. The examiner can normally be reached on Monday-Friday (8:00 am---4: 30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, BARRON JR GILBERTO can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Samson B Lemma/
Examiner, Art Unit 2432

/Jung Kim/
Primary Examiner, AU 2432